

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF DENTAL EXAMINERS**

Vermont law defines unprofessional conduct to include:

Failing to make available promptly to a person using professional health care services, that person's representative, or succeeding health care professionals or institutions, upon written request and direction of the person using professional health care services, copies of that person's records in the possession or under the control of the licensed practitioner, or failing to notify patients or clients how to obtain their records when a practice closes.

3 V.S.A. § 129a(a)(8).

The Board clarifies that it interprets § 129a(a)(8) such that:

(1) To provide records “promptly” means to do so conscientiously, in good faith, and with urgency reasonably appropriate to the circumstance, for example, if a patient requires emergency treatment or specialist consultation.

(2) “Copies” of records mean duplicates of original quality and clinical utility, without avoidable degradation, loss of function, or consolidation into a reduced-quality composite. Multiple digital radiographs may not be transmitted as a single file.

(3) Reasonable promptness is informed by the nature of records and the medium in which they are held; however, digital radiographs can be transmitted almost instantaneously. Digital radiographs are to be transferred **within three business days** of receipt of a request, absent a compelling reason for exception.

(4) It is unacceptable patient care and unprofessional conduct for any licensee to employ a business policy or practice, including a software system or digital exportation platform, that imposes delay or fees with the intent or effect of maximizing patient retention, limiting patient choice, deterring patients from consulting other clinicians, or otherwise frustrating the purposes of 3 V.S.A. § 129a(a)(8).

Signed:  _____, Chair
Robert Ruhl, DDS